

Message Text

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ACTION IO-13

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CIAE-00 INR-07 NSAE-00 INRE-00 L-03 HEW-04 DODE-00
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TO SECSTATE WASHDC IMMEDIATE 5691

INFO USMISSION USUN NEW YORK

AMEMBASSY MOSCOW

C O N F I D E N T I A L SECTION 1 OF 2 GENEVA 1641

E.O. 11652: GDS

TAGS: UN, SHUM

SUBJECT: HUMAN RIGHTS COMMISSION: SOVIET ARREST OF HUMAN RIGHTS

LEADER

REF: GENEVA 1632

1. FURTHER TO REFTEL, FOLLOWING IS SUMMARY OF
U.S. STATEMENT WHICH LAUNCHED DISCUSSION OF U.S. TELEGRAM
PROPOSAL AND SUMMARY OF PRINCIPAL ARGUMENTS ADVANCED BY
USSR REP ZORINGOPPOSING U.S. PROPOSED TELEGRAM.

2. USREP (LOWENSTEIN) OPENED HIS REMARKS BY
REVIEWING PRECEDENTS FOR DISCUSSION BY HRC OF HUMAN
RIGHTS QUESTIONS WHICH RELATED TO THE INTERNAL AFFAIRS
OF MEMBERS STATES. HE RECALLED A PETITION FROM THE NAACP
WHICH HAD BEEN FILED WITH THE HRC IN 1947 ALLEGING
PRACTICES OF RACE DISCRIMINATION IN THE USA. THE USSR
REP HAD CALLED FOR AN INVESTIGATION OF THE SITUATION
RAISED BY THE NAACP PETITION. THE USREP AT THAT TIME,
MRS. ROOSEVELT, HAD STATED THAT QUESTIONS RELATING TO
HUMAN RIGHTS SHOULD BE ANSWERED IF THEY WERE PRESENTED
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THROUGH A CORRECT PROCEDURE. OTHER SITUATIONS HAVE
ARisen IN VARIOUS COUNTRIES SINCE THAT TIME, INCLUDING
SOUTH AFRICA, GREECE, AND CHILE, IN WHICH THE USSR AMONG
OTHERS HAS SUPPORTED ACTIONS THAT HAVE PRODUCED
RELEVANT PRECEDENTS. LOWENSTEIN ARGUED THAT THE HRC
COULD PROPERLY DISCUSS SUCH HUMAN RIGHTS QUESTIONS
WITHOUT JEOPARDIZING OTHER INTERNATIONAL CONCERNs.

IF ON THE CONTRARY AN IMPRESSION SHOULD BE CREATED THAT CERTAIN AREAS OF THE WORLD WERE IMMUNE FROM THE APPLICATION OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS, THE CREDIBILITY OF THE COMMISSION COULD BE UNDERMINED. IT WAS IN THIS CONTEXT THAT THE U.S. DELEGATION HAD PROPOSED ITS DRAFT TELEGRAM WHICH COULD BE SEEN AS A MODEST, RESTRAINED STEP BUT AN IMPORTANT ONE IN ESTABLISHING THE EVENHANDEDNESS OF THE HRC'S CONCERN ABOUT HUMAN RIGHTS ISSUES EVERYWHERE. IN THIS CONNECTION HE READ SECTIONS OF VARIOUS DOCUMENTS INCLUDING THE CHARTER AND THE UNIVERSAL DECLARATION, AND QUOTED VERBATIM THE PREAMBULAR CLAUSE IN THE TELEGRAM SENT TO ISRAEL EARLIER DURING THIS SESSION. HE ADDED THAT IN DEALING WITH HUMAN RIGHTS QUESTIONS THE HRC HAD A RANGE OF CHOICES AS TO METHOD. IN EACH CASE IT MUST SEEK AN APPROPRIATE LEVEL OF RESPONSE. THE HRC COULD TRY TO GET MORE INFORMATION. IT COULD CIRCULATE DOCUMENTS RELATING TO A PARTICULAR SITUATION. IT COULD INVESTIGATE. IT COULD CONDEMN. IT WAS IMPORTANT THAT THE HRC NOT EXEMPT ANY NATION FROM ITS CONCERN ABOUT HUMAN RIGHTS, INCLUDING THE USSR AND THE UNITED STATES, FOR IF THE HRC COULD NOT AT LEAST DISCUSS SUCH SITUATIONS EVERYWHERE, WHAT INTERNATIONAL MACHINERY WOULD EXIST TO DISCUSS THEM? THE USREP READ THE TEXT OF THE PROPOSED TELEGRAM WHICH HE EMPHASIZED WAS NOT CONTENTIOUS IN TONE AND WHICH HAD THE LIMITED AND SPECIFIC PURPOSE OF SECURING MORE INFORMATION.

3. USSR REP ZORIN DELIVERED A LENGTHY STATEMENT
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IN OPPOSITION TO THE U.S. PROPOSAL. THE PRINCIPAL ARGUMENTS WHICH HE ADVANCED WERE AS FOLLOWS:

A. U.S. PROPOSAL COULD SIGNAL THE BEGINNING OF THE END OF COOPERATION IN THE HRC. WE MAY BE STARTING OUT ON A SLIPPERY PATH WHICH IS NOT WITHOUT DANGER TO THE CAUSE OF PEACE AND INTERNATIONAL RELATIONS. PERSISTENCE IN THIS APPROACH COULD EFFECT THE ENTIRE CLIMATE OF INTERNATIONAL RELATIONS AND FOREIGN POLICY ISSUES IN WHICH THE U.S. IS INTERESTED.

B. ANALYZING THE TEXT OF THE TELEGRAM, ZORIN QUERIED WHY THE HUMAN RIGHTS COMMISSION SHOULD BE CONCERNED OVER THE ARREST OF PERSONS IN THE USSR WHO ARE VIOLATING PUBLIC ORDER. THE PERSONS INVOLVED HAVE BEEN CONDEMNED FOR CURRENCY TRANSACTIONS AND HAVE ENGAGED IN PROPAGANDA TO OVERTHROW THE USSR GOVERNMENT. THE U.S. PROPOSED TELEGRAM IS A PART OF AN ORGANIZED CAMPAIGN ON HUMAN RIGHTS VIOLATIONS DIRECTED AGAINST

THE USSR. THE INDIVIDUALS INVOLVED HAVE BEEN RECEIVING FINANCIAL ASSISTANCE FROM OUTSIDE, INCLUDING U.S. INTELLIGENCE AGENCIES.

C. THE U.S. PROPOSAL RUNS COUNTER TO THE FINAL ACT OF HELSINKI SIGNED BY THE PRESIDENT OF THE UNITED STATES, WHICH CONTAINS A PRINCIPLE CONCERNING RESPECT FOR INTERNATIONAL SOVEREIGNTY AND THE RIGHT OF GOVERNMENTS TO SELECT THEIR OWN SYSTEMS.

ZORIN CITED THE RUSSIAN PROVERB THAT IT IS DANGEROUS TO SPIT INTO A WELL BECAUSE YOU MIGHT HAVE TO DRINK THE WATER FROM THAT WELL.

D. THE U.S. TELEGRAM WAS SHAMELESS ATTEMPT TO INTEREVENE IN THE DOMESTIC AFFAIRS OF THE USSR CONTRARY TO ARTICLE 2, PARAGRAPH 7 OF THE UNITED NATIONS CHARTER. THE PRINCIPLE OF NON-INTERVENTION WAS EXPRESSLY RECOGNIZED
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BY THE UNITED STATES AT THE TIME THE GREAT AMERICAN PRESIDENT ROOSEVELT BROUGHT ABOUT THE ESTABLISHMENT

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C O N F I D E N T I A L SECTION 2 OF 2 GENEVA 1641

OF DIPLOMATIC RELATIONS BETWEEN THE TWO COUNTRIES.
THE PRINCIPLE OF NON-INTERVENTION IS OF PARTICULAR

IMPORTANCT IN THE CASE OF RELATIONS BETWEEN MAJOR POWERS. ZORIN READ THE COMMUNIQUE OF FEBRUARY 17,1977 WHICH HAD BEEN DELIVERED BY AMBASSADOR DOBRYVNIN TO THE AMERICAN AUTHROITIES AND WHICH HE SAID HAD NEVER BEEN REPRODUCED IN FULL BY THE PRESS OF THE UNITED STATES. THIS COMMUNICATION CINFIRMED THAT FURITFUL RELATIONS BETWEEN THE U.S. AND THE USSR COULD BE PASSED ONLY ON MUTUAL RESPECT AND THE PRINCIPLE OF SOVEREIGNTY AND NON-INVERVENTION.

E. THE U.S. PROPOSAL LAY OUTSIDE THE COMPETENCE OF THE HRC, WHICH WAS RESTRICTED TO A CONSIDERATION OF ONLY GROSS AND GLOBAL VIOLATIONS OF HUMAN RIGHTS SUCH AS THOSE IN SOUTHERN AFRICA. ZORING NOTED THAT THE U.S. ON THAT SAME DAY HAD BEEN THE ONLY DELEGATION VOTING AGAINST A RESOLUTION CONCERNING SOUTHERN AFRICA AND DREW THE CONTRAST BETWEEN U.S. CONCERN FOR A FEW INDIVIDUALS IN THE USSR AND MILLIONS OF PEOPLE IN SOUTHERN AFRICA. THE U.S. ATTITUDE HAS BEEN FURHTER DEMONSTRATED BY ITS FAILURE TO ACCEPT THE HUMAN RIGHTS COVENANTS. THE U. S., WHILE REFUSING TO BE BOUND BY

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THESE COVENANTS, AT THE SAME TIME CLAIMS THE RIGHT TO DICTATE TO OTHER STATES THEIR HUMAN RIGHTS PRCTICES.

F. SUMMING UP,ZORING WARNED AGAINST THE DANGER OF RETURNING TO THE TIMES OF THE COLD WAR. THE U.S. PROPOSAL PLAYED INTO THE HANDS OF THE OPPONENTS OF DETENTE AND WORLD PEACE HAD BEEN PUT FORWARD BY INTERESTS WHICH DESIRED TO BRING ABOUT THE FAILURE OF THE FORTHCOMING BELGRADE CONFERENCE. ZORIN CLOSED BY SAYING THAT HE HOPED THE HRC WOULD ADOPT A SERIOUS APPROACH TO THE U.S. PROPOSAL AND WOULD DECIDE NOT TO DISCUSS IT.

4. COMMENT: WHILE IT IS STILL TOO EARLY TO FORECAST THE OUTCOME OF THE DEBATE, WE ARE ENCOURAGED AT THE FACT THAT THE COMMISSION HAS FOR THE FIRST TIME ENTERED INTO A DEBATE ON VIOLATION OF HUMAN RIGHTS IN THE USSR. IT IS OUR BELIEVE THAT THE FAILURE OF THE EASTERN BLOC TO MUSTER ENOUGH NON-ALIGNED SUPPORT TO ATTEMPT A CLOSURE OF DEBATE ON PROCEDURAL GROUNDS IS DUE IN LARGE PART TO THE U.S. ATTITUDE WHICH HAS BEEN PERCEIVED AS FIRM BUT COOPERATIVE AND NOT BELLICOSE. THE ATMOSPHERE IN THE HRC WAS BOTH REFLECTED IN AND AFFECTED BY THE EFFECTIVE SUPPORT OF THE FOUR WEOS THAT SPOKE OUT LAST NOGHT AND THE FACT THAT NO NON-ALIGNED SPOKE IN SUPPORT OF THE USSR DESPITE SOVIET EFFORTS TO OBTAIN SUCH SUPPORT, BUT WE EXPECT THAT CUBA AND PROBABLY SYRIA OR LIBYA WILL BE HEARD FROM MONDAY. CHAIRMAN BOZOVIC IS AMONG THOSE WHO HAVE SHOWN INCEARSED INTEREST

IN THE POSSIBILITY OF AVOIDING A VOTE, AND WE WELCOME
COMMENTS AND SUGGESTIONS ABOUT HOW BEST TO TAKE
ADVANTAGE OF THE NEW SITUATION.CATTO

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